

JFK ASSASSINATION SYSTEM
IDENTIFICATION FORM

AGENCY INFORMATION

AGENCY : CIA
RECORD NUMBER : 104-10106-10209
RECORD SERIES : JFK
AGENCY FILE NUMBER : 80T01357A

Released under the John
F. Kennedy
Assassination Records
Collection Act of 1992
(44 USC 2107 Note).
Case#:NW 53294 Date:
06-14-2017

DOCUMENT INFORMATION

AGENCY ORIGINATOR : CIA
FROM : UEBERHORST, JAMES B., ASST GC
TO : DIRECTOR OF SECURITY
TITLE : MEMORANDUM: SUBJECT: [[DELETE]]--SUGGESTED SOLUTIONS
FOR DIVORCE PROCEEDINGS FOR DEFECTOR
DATE : 09/19/1969
PAGES : 2

SUBJECTS : DEFECTOR
DIVORCE
NOSENKO, YURIY

DOCUMENT TYPE : PAPER
CLASSIFICATION : SECRET
RESTRICTIONS : 1B
CURRENT STATUS : RELEASED IN PART PUBLIC - RELEASED WITH DELETIONS
DATE OF LAST REVIEW : 07/20/93
COMMENTS : JFK38 : F22 : 1993.07.20.19:11:33:120580

[R] - ITEM IS RESTRICTED 104-10106-10209

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~~EYES ONLY~~

OGC 69-1806

19 September 1969

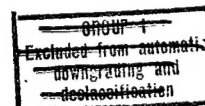
MEMORANDUM FOR: Director of Security

SUBJECT: George Martin Rosnek

1. You have requested our assistance with regard to certain personal legal problems of subject defector. This memorandum is intended to summarize our suggested solutions to these problems.

2. With respect to the subject's filing for divorce, we concluded that Virginia was the best jurisdiction for the following reasons. First, subject lived at ISOLATION for a period of almost five years before moving to a safehouse in Herndon, Virginia. Thus, any legal residence in the United States would have been in Virginia. His recent move to Maryland causes us some concern but only technically. In view of the strong part played by the Agency in subject's search for and selection of the Maryland dwelling, it is fair to conclude that he was directed to live in Maryland by the United States Government and, therefore, would not relinquish whatever Virginia residence he had at the time of the move. Second, the requirement for non-traceability in the divorce proceedings is very well fulfilled in an arrangement we have laid on with a Tappahannock, Essex County, Virginia lawyer, Mr. Joseph Spruill, Jr.. He in turn has spoken with the Circuit Court Judge of Essex County who would hear the case and has arranged to omit newspaper publication either of the calendar scheduling of the hearing or of the order for the divorce itself. The judge has stated that he will hear the case in chamber and that all pleadings will be oral. While a witness from the Agency will be required to testify as to length of residence, length of separation of the couple and likelihood of reconciliation, the oral hearing will not be recorded. Any paper work will be sealed and returned to Spruill and then to us. The only record made will be of the divorce itself set forth in the Circuit Court record book in subject's true name.

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3. The plan is for subject to check into the Tappahannock Motor Inn on the afternoon of the 22nd of September. This will establish the necessary venue to give the court jurisdiction over the subject matter of the suit. The actual hearing will be at 4:00 p.m., Tuesday, the 23rd of September, in the Essex County Court House in Tappahannock.

4. Subject was required to sign an Affidavit for Service by Publication stating that his wife's last post office address is unknown to him. The judge has been briefed on the fact that the subject could provide an address where he last saw his wife but that personal security reasons preclude his doing so. Service has issued and been posted to his wife, address unknown, with return address to the court. The judge has ruled that this procedure satisfied the statute with regard to service by publication.

5. After the divorce subject may apply for a marriage license in Maryland in his assumed name. We have ascertained that the Clerk will ask whether he has been married before and whether divorced. He may simply answer by stating that he was divorced on 23 September in the Circuit Court of Essex County Virginia. He does not have to produce any document proving the divorce and, therefore, the name under which he was divorced. Since either party may apply for the license, we would suggest that his fiancée actually submit the application for marriage since this would eliminate any possible question of perjury during the interview with the Clerk.

6. Subject can legally live under his assumed name without the formality of the name change in view of the fact that the new name has not been contrived to deceive or defraud others. He may also formally change his name at a later date. Our suggestion would be that if and when he seeks citizenship by a private bill, his name be securely changed at that time to the name under which he has been living.

7. We will gladly answer any questions you may have concerning these rather unusual arrangements.

(Signed) JAMES B. UEBERHORST

JAMES B. UEBERHORST
Assistant General Counsel

OGC:JBU:bg

Distribution:

Orig & 1 - Addressee

✓ 1 - Subject - NOSENKO, RYURI (Defector)

1 - JBU Signer

~~1 - Chrono~~

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